IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.114 OF 2007

Housing Development Finance Corpn.Ltd. ..Petitioner.

V/s.

The Deputy Commissioner of
Income-tax & Anr. ..Respondents.

Mr.F.V.Irani i/b. with A.K.Jasani for petitioner.

Mr.A.S.Rao for respondents.

CORAM : DR. S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 29TH JANUARY, 2007.

P.C. :-

Heard learned counsel for the petitioner and the respondent. Rule, returnable forthwith. The petition is taken up for final hearing by the consent of the parties.

2. In the above petition, it is a case regarding reopening of the assessment order under section 148 of the Income Tax Act. In the above case, the petitioner has filed their objections on 25th September, 2006. Till date no decision is taken with regard to the said objections.

3. Learned counsel for the petitioner pointed out that in some of the cases as soon as the objections were rejected by the concerned I.T.O., even the assessment order has been passed within a very short time whereby the assessee is left without any remedy to challenge the said rejection.

4. We make it clear that if the assessing officer does not accept the objections so filed, he shall not proceed further in the matter within a period of four weeks from the date of receipt of service of the said order on objections, on the assessee.

5. Accordingly, Rule is made absolute and the petition stands disposed of.

(DR.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)